IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.45839 of 2008
KEDAR PASWAN S/O LATE RAMAN PASWAN A/P RESIDING AT A.G.COLONY, MAIN ROAD, NEAR S.S. COMPLEX, P.O. ASHIANA NAGAR, P.S. SHASTRI NAGAR, DIST. PATNA.
Versus
STATE OF BIHAR
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02 24.11.2008 Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case registered for the offences under Sections 409,467,468,471,120(B) of the Indian Penal Code.

It is submitted that petitioner at the material time was a Director, Purchase and Transport, Road Construction Department. It is further submitted that this petitioner with the assistance of the then Dealing Assistant, Purchase Section approved the requisition for supply of 1,000 metric tone Bulk Bitumen and approved the indent dated 19.03.1994. It is further alleged that the co-accused Ramavtar Khetan in conspiracy with the departmental official misappropriated the said Bitumen. It is further submitted that the present F.I.R. has been lodged virtually after 14 years and that too when the C.B.I. refused to register the case besides the other reasons including the reason of long delay. Notwithstanding the above, so far as petitioner is concerned, petitioner had approved requisition that was received and processed by different levels including the Deputy Director and it is not the case of the prosecution that the requisition itself was a

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forged and fabricated document. Further submission is that after the approval of the requisition and indent it goes beyond the control of this petitioner with regard to lifting of the Bitumen and production at the right place. Further submission is that co-accused Smt. Shobha Sinha who is alleged to have assisted this petitioner in approving the requisition has been allowed anticipatory bail as per the order dated 20.10.2008 passed in Cr. Misc. No. 37792 of 2008 vide annexure-3/A of this bail petition.

Considering the facts and circumstances of the case and the submission of the parties as well as materials brought on the record, in the event of arrest or surrender within a period of four weeks from today, the petitioner, namely Kedar Paswan is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna in connection with Gandhi Maidan, P.S. Case No. 208/2008 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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Sym **(Shailesh Kumar Sinha, J.)**